

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) Group Art Unit No.: 2141
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Christopher Murray, et al.) Examiner: Luu, Le Hien
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Serial No.: 10/712, 130) Confirmation No.: 8180
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Filed on: November 12, 2003))
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For: System and Methodology for Adaptive)
Load Balancing with Behavior)
Modification Hints)
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Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO DEFER ISSUANCE OF PATENT UNDER 37 CFR § 1.314

Sir:

Applicant hereby respectfully petitions for deferral of the issuance of the application referenced above as a patent until the currently filed Rule 312 Amendment has been entered by the Examiner. This petition is made to allow sufficient time for the Examiner to obtain the case file and to enter the Rule 312 Amendment.

In the Notice the Allowance mailed April 3, 2008 ("Notice"), the Examiner amended the title of present application via an Examiner's Amendment. (*See Notice*, page 2.) The Notice is the first time Applicants were made aware of the Examiner's amendment to the title. Applicants have filed a Rule 312 amendment concurrently with this paper. The Rule 312 amendment proposes to amend the present title with a new title that is clearly indicative in the invention and more clearly puts the public on notice of the subject matter of the present application. Thus, issuance of the present application as a patent should be deferred to allow sufficient time for the Examiner to consider the Rule 312 filed concurrently with the paper.

Based on the foregoing, it respectfully submitted that Applicant has shown good and sufficient reasons why it is necessary to defer issuance of the patent as requested.

The Office of Petitions is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the consideration of this petition.

Pursuant to 37 C.F.R. § 1.314, enclosed is a check the fee of \$130 as specified in 37 C.F.R. § 1.17(h). To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

Hickman Palermo Truong & Becker LLP

Date: July 1, 2008

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